

REGULAR MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

~ APPEALS ~

Friday September 21, 2018  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
www.wcc.ok.gov

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*MINUTES*

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Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Erin Butler and Monica Pack.

**STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

**CALL TO ORDER .....Presiding Appellate Officer, Chairman Liotta**

Call to order 9:08 a.m. by Chairman Liotta, Presiding Appellate Officer.

**ROLL CALL .....Presiding Appellate Officer, Chairman Liotta**

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

**A. MINUTES:**

- The drafted Minutes of the Appeal Meeting of August 17, 2018, were considered for approval.

Chairman Liotta presented the minutes of the August 17, 2018, Meeting for approval.

**Motion:** Commissioner Russell made a motion to approve the minutes of the August 17, 2018 Meeting.

**Second:** Commissioner Tilly

**Those Voting Aye:** Chairman Liotta, Commissioner Russell and Commissioner Tilly.

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission’s Administrative Law Judges**

**Paul E. Barnes v. Harp Electric Co. & Zenith Insurance Co., File #CM2018-00486F**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret A. Unterschuetz represented the Claimant and Malcom D. Smith represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Carey B. Howard v. Dane & Associates Electric Co. Inc. & Standard Fire Insurance, #CM2016-06350J**

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Daniel M. Davis represented the Claimant and Mia C. Rops represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Tilly

**Those Voting Aye:** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**Marcus McDonald v. Kelvion Inc. FKA GEA Heat Exchangers Inc. (OWN RISK #17805), File # CM2014-09940A**

Respondent and Claimant both filed an appeal from the order issued by Administrative Law Judge Lawyer. Micah Felton represented the Claimant. Steven K. Bunting represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**C. Commission Consideration of Adoption of Final Order in the Following Cases:**

**Johnnie Mae Brown v. A New Haven Transportation (No Insurance), File #CM2016-02956A**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Pam Cornett represented the Claimant and Dana L. Gish represented the Respondent.

This case came on for Oral Argument on July 20, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement. A proposed order has been distributed to the Commissioners for consideration of adoption.

**Motion:** Commissioner Tilly moved to continue the matter until the next meeting.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: CASE CONTINUED**

**Gordon Carriger v, City of Claremore (Own Risk #20096), File #CM2017-01056X**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. J.L. Franks represented the Claimant and Jennifer Ahrend represented the Respondent.

This case came on for Oral Argument on July 20, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission affirmed the Administrative Law Judge's order and instructed Appellate Counsel or other staff members to draft a proposed order with findings of fact and conclusions of law. A proposed order has been distributed to the Commissioners for consideration of adoption.

**Motion:** Commissioner Tilly moved to adopt the proposed order.

**Second:** Chairman Liotta

**Those Voting Aye:** Chairman Liotta and Commissioner Tilly.

**Those Voting Nay:** Commissioner Russell

**THE MOTION CARRIED: ORDER ADOPTED**

**Edith Butler v. Multiple Injury Fund, File # CM2014-09512K**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. John R. Colbert represented the Claimant. Jon Derouen represented the Respondent.

This case came on for Oral Argument on August 17, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission affirmed the Administrative Law Judge's order and instructed Appellate Counsel or other staff members to draft a proposed order with findings of fact and conclusions of law. A proposed order has been distributed to the Commissioners for consideration of adoption.

**Motion:** Commissioner Tilly moved to adopt the proposed order.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ORDER ADOPTED**

**Kevin Cantwell v. Flex N Gate Oklahoma LLC, & Trumbull Insurance Co., #CM2016-04789A**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. TR Banks is the attorney of record for the Claimant and Steven E. Hanna is the attorney of record for the Respondent.

This case came on for Oral Argument on August 17, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission affirmed the Administrative Law Judge's order and instructed Appellate Counsel or other staff members to draft a proposed order with findings of fact and conclusions of law. A proposed order has been distributed to the Commissioners for consideration of adoption.

**Motion:** Commissioner Russell moved to adopt the proposed order.

**Second:** Commissioner Tilly

**Those Voting Aye:** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ORDER ADOPTED**

#### **D. Announcements**

Commission's next regular business meeting is Thursday, October 18, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, October 19, 2018.

#### **ADJOURNMENT**

**Motion:** Commissioner Tilly moved to adjourn the meeting at approximately 11:30 a.m.

**Second:** Commissioner Russell

**Those Voting Aye:** Chairman Liotta and Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**